

**REPRESENTATION STANDARDS FOR SENTENCE REVIEW****GOALS:**

**To actively and effectively represent clients in the sentence review process by evaluating the case and giving the client appropriate advice as to whether to pursue sentence review and, if the client elects to proceed, to present all information and arguments supporting the imposition of a more favorable sentence. Attorneys representing clients in sentence review proceedings shall comply with the general standards for public defenders as well as these specific standards.**

**I. TRAINING:**

1. The attorney will receive a minimum of \_\_\_\_\_ hours of training specific to the representation of clients in the sentence review process.
2. Counsel shall become familiar with the rules of the Sentence Review Division as well as the applicable statutes and case law.
3. Counsel shall become familiar with the range of sentences imposed for a particular offense and the factors that have affected the imposition of a particular sentence within that range as well as with methods of accessing that information.

**II. HANDLING THE CASE:**

1. If a client receives a qualifying sentence, trial counsel shall advise the client of the right to sentence review and give the client appropriate advice as to whether to pursue sentence review.
2. Counsel shall advise the client that upon review and within the limits fixed by law, his or her sentence may be raised, lowered, or remain the same. Counsel shall discuss with the client whether in his or her professional judgment there is a reasonable chance of obtaining a more or less severe sentence. Counsel should explain the advantages and disadvantages of proceeding to sentence review. The decision whether to proceed with the sentence review must be the defendant's own.
3. If the client decides to proceed to sentence review, counsel shall assist him or her in filing a timely application for sentence review.
4. Counsel shall gather and review all information relevant to the sentencing determination including, pre-sentence reports, and any other records, documents, or exhibits relevant to the review proceedings.
5. Counsel shall conduct an appropriate investigation and interview relevant witnesses.

6. Counsel shall make an evaluation as to whether the client's sentence is more or less harsh than sentences for similar offenses and shall determine what factors distinguish the client's case either positively or negatively.

7. Counsel shall appear with the client at his or her sentence review hearing and present the witnesses, exhibits, and arguments that, in his or her professional judgment, are most likely to result in a sentence reduction.